

HB0336S02 compared with HB0336S01

~~{deleted text}~~ shows text that was in HB0336S01 but was deleted in HB0336S02.

Inserted text shows text that was not in HB0336S01 but was inserted into HB0336S02.

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~~{Representative Daniel McCay}~~Senator Howard A. Stephenson proposes the following substitute bill:

FINE AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

Senate Sponsor: ~~{~~Howard A. Stephenson

LONG TITLE

General Description:

This bill modifies provisions relating to fines.

Highlighted Provisions:

This bill:

- ▶ imposes limits on penalties for failure to pay fines when due~~{ for misdemeanors and infractions}~~; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~{None}~~ This bill provides a special effective date.

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Utah Code Sections Affected:

AMENDS:

76-3-301, as last amended by Laws of Utah 1995, Chapter 291

78B-6-310, as renumbered and amended by Laws of Utah 2008, Chapter 3

ENACTS:

11-58-101, Utah Code Annotated 1953

11-58-102, Utah Code Annotated 1953

11-58-201, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section ~~{76-3-301 is amended to read:~~

~~}~~**11-58-101** is enacted to read:

CHAPTER 58. IMPOSITION OF FINES BY A COUNTY, CITY, OR TOWN

Part 1. General Provisions

11-58-101. Title.

This chapter is known as the "Imposition of Fines by a County, City, or Town."

Section 2. Section **11-58-102** is enacted to read:

11-58-102. Definition.

As used in this chapter, "parking citation, civil citation, or administrative fine" means a citation or other action by a county, city, or town that under a law other than this chapter authorizes the county, city, or town to impose a fine against an individual.

Section 3. Section **11-58-201** is enacted to read:

Part 2. Limitations on Fines

11-58-201. Limits on penalties for failure to pay a fine.

An individual assessed a parking citation, civil citation, or administrative fine may not be charged:

(1) by the original jurisdiction that imposes the fine, late fees and interest in the aggregate that are more than 25% of the initial fine amount; and

(2) by a court, interest in the aggregate that is more than 25% of the initial fine amount.

Section 4. Section **76-3-301** is amended to read:

76-3-301. Fines of individuals.

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(1) ~~[A person]~~ An individual convicted of an offense may be sentenced to pay a fine, not exceeding:

- (a) \$10,000 for a felony conviction of the first degree or second degree;
- (b) \$5,000 for a felony conviction of the third degree;
- (c) \$2,500 for a class A misdemeanor conviction;
- (d) \$1,000 for a class B misdemeanor conviction;
- (e) \$750 for a class C misdemeanor conviction or infraction conviction; and
- (f) any greater amounts specifically authorized by statute.

(2) (a) An individual convicted of a misdemeanor or infraction and sentenced to pay a fine may not be charged:

~~{~~ (a) by the original jurisdiction that imposes the fine, late fees and interest in the aggregate that are more than 25% of the fine;

~~}~~ (b)(i) notwithstanding Section 15-1-4, interest on the judgment that in the aggregate is more than 25% of the initial fine; or

(c)(ii) by a court that issues an order to show cause under Section 78B-6-317 for failure to pay the fine, ~~{a fine, under Section 78B-6-310 for contempt for failure to pay the fine originally imposed, which in the aggregate with late fees and }~~ interest ~~{are}~~ that is more than 25% of the ~~{fine originally imposed;~~

~~(d)}~~ initial fine.

(b) An individual convicted of an infraction and sentenced to pay a fine may not be charged:

(i) by the Office of State Debt Collection, late fees and interest that in the aggregate are more than 25% of the initial fine; or

(c)(ii) by a third-party debt collector, late fees and interest in the aggregate that are more than 25% of the initial fine.

(3) Subsection (2) does not apply to an offense that includes:

(a) victim restitution; or

(b) a felony conviction.

~~[(2)]~~ ~~(3)(4)~~ This section does not apply to a corporation, association, partnership, government, or governmental instrumentality.

Section ~~{2}~~ 5. Section **78B-6-310** is amended to read:

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78B-6-310. Contempt -- Action by court.

(1) The court shall determine whether the person proceeded against is guilty of the contempt charged. If the court finds the person is guilty of the contempt, the court may impose a fine not exceeding \$1,000, order the person incarcerated in the county jail not exceeding 30 days, or both. However, a justice court judge or court commissioner may punish for contempt by a fine not to exceed \$500 or by incarceration for five days or both.

(2) A fine imposed under this section is subject to the limitations of Subsection 76-3-301(2).

Section 6. Effective date.

This bill takes effect on July 1, 2018.